

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WILLIAM ROYSTER,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. _____
)	
THE UNITED STATES OF AMERICA,)	
(DO NOT SERVE))	
Defendant.)	

FEDERAL TORT CLAIMS ACT COMPLAINT

I. INTRODUCTION:

1. This is an action against the Defendant, United States of America, brought pursuant to the Federal Tort Claims Act (FTCA), (28 U.S.C. §2671, et seq.) and 28 U.S.C. §1346(b)(1), for negligence and professional malpractice in connection with medical diagnosis and care provided to the Plaintiff, William Royster, (hereafter “Mr. Royster”) by the Department of Veterans Affairs at the Kansas City Veterans Affairs Medical Center (hereafter, “KCVA”).

II. JURISDICTION AND EXHAUSTION OF ADMINISTRATIVE CLAIMS:

2. Jurisdiction is proper under 28 U.S.C. § 1346(b)(1). This U.S. District Court has exclusive jurisdiction to hear FTCA claims.

3. On November 18, 2014, Mr. Royster was first informed by Defendant’s employee, Dr. Shreeja Kumar, that he did not have bipolar disorder, a diagnosis that had been made and continually affirmed by KCVA physicians since April of 2004.

4. On February 18, 2015, pursuant to 28 U.S.C. § 2675(a), written notice by way of a completed Standard Form 95 together with an addendum and all pertinent supportive documentation of Mr. Royster’s administrative tort claim was presented to the appropriate

Federal Agency, the U.S. Department of Veterans Affairs, by Mr. Royster's legal representative.
(See Attached Exhibit A)

5. On August 4, 2015, the Defendant denied Mr. Royster's claims. (See Exhibit B).

6. Consistent with the dictates of 28 U.S.C. § 2401(b), Mr. Royster filed this action within six months of the Defendant's denial of his claims.

III. VENUE:

7. Consistent with 28 U.S.C. § 1402(b), venue is proper in this district and division in that at all times relevant, Mr. Royster was and currently resides in the Western District of Missouri in the Western Division and the acts and omissions complained of occurred in the Western District of Missouri in the Western Division.

IV. PARTIES:

A) The Plaintiff:

8. The Plaintiff, Mr. William Royster, (hereafter "Mr. Royster") served in the United States Navy as a naval aviator from March 7, 1986 through December 31, 1997. Mr. Royster was honorably discharged from the Navy on December 31, 1997.

9. On June 4, 1996 while flying an A-6 Intruder jet (an all-weather medium attack aircraft) for a training mission associated with Dessert Storm, Mr. Royster was shot down and received treatment for various physical injuries incurred from ejecting from his aircraft.

10. Mr. Royster's treatment for the physical injuries and other medical and psychiatric conditions continued after his discharge from the Navy at the KCVA.

B) The Defendant:

11. At all times relevant the Defendant owned, operated and controlled a certain health care facility known as the Kansas City Veterans Administration Medical Center (hereafter “KCVA”) located at 4801 Linwood Blvd. Kansas City, Missouri.

12. At all times relevant certain physicians of KCVA provided diagnosis, care and continuing treatment to Mr. Royster at the KCVA.

13. From April 28, 2004 to November 17, 2014, KCVA was the exclusive provider of psychiatric diagnosis, care and treatment of Mr. Royster.

14. Consistent with 28 U.S.C. §§ 1346(b)(1), 2675, 2672 and 2679, at all times relevant, all physicians involved in the diagnosis, care and continuing treatment of Mr. Royster at the KCVA were employees of the Defendant and were acting within the scope of their office or employment with KCVA.

V. FACTUAL ALLEGATIONS

15. On June 4, 1996 while flying an A-6 Intruder jet (an all-weather medium attack aircraft) for a training mission associated with Dessert Storm, Mr. Royster was shot down and received treatment for various physical injuries incurred from ejecting from his aircraft.

16. On November 26, 1996, Dr. Lancy Allyn, a Navy orthopedic surgeon, informed Mr. Royster that the injuries Mr. Royster’s sustained in the June 4, 1996 incident would not limit his ability to serve as a pilot of commercial airplanes.

17. Following his discharge from the Navy, Mr. Royster continued the treatment for his injuries at the KCVA.

18. Subsequently, Mr. Royster was provided treatment for his injuries by various physicians at the KCVA.

19. Following his discharge from the Navy, Mr. Royster engaged in flight training that culminated in an FAA Airline Transport Pilot (ATP) Certificate with type ratings for the Boeing 737, 757 and 767 aircraft.

20. Concurrently with his ATP Certificate, Mr. Royster held an FAA First Class Medical Certificate.

21. In January of 1998, Mr. Royster was hired by United Airlines as a First Officer.

22. From 1998 through April of 2004, Mr. Royster served as a First Officer flying Boeing 737, 757 and 767 commercial aircraft for United Airlines.

23. In June of 2003, during the treatment for his physical injuries, a KCVA physician suggested that Mr. Royster go to the KCVA counseling center to be evaluated for possible post-traumatic stress disorder.

24. On June 13, 2003, Mr. Royster was seen by KCVA staff psychiatrist, Rebecca Merritt, M.D.

25. After a few more visits with Dr. Merritt, on or about April 28, 2004, Dr. Merritt, M.D., diagnosed Mr. Royster with Bipolar Disorder Type II.

26. On or about April 28, 2004, Defendant's employee, Dr. Merritt informed Mr. Royster that her diagnosis of Bipolar Disorder Type II diagnosis is a permanent, lifelong diagnosis.

27. On or about April 28, 2004, Defendant's employee, Dr. Merritt informed Mr. Royster that based upon the KCVA diagnosis of Bipolar Disorder II, Mr. Royster could not work in any capacity and advised Mr. Royster to apply for disability benefits.

28. Based upon the diagnosis of Bipolar Disorder II, Mr. Royster was forced to be medically grounded from his position as a commercial pilot with United Airlines and was subsequently medically retired.

29. From April 28, 2004 through November 17, 2014, the Defendant's, KCVA physicians, were the exclusive provider of psychiatric diagnosis, care and treatment for Mr. Royster.

30. From April 28, 2004 through November 17, 2014, KCVA's psychiatric physicians and those practicing in other medical specialties, continued to affirm and re-affirm the KCVA diagnosis of Bipolar Disorder II as the proper and working diagnosis for Mr. Royster throughout his medical chart.

31. From April 28, 2004 through November 17, 2014, KCVA's psychiatric physicians and those practicing in other medical specialties that provided care to Mr. Royster, repeatedly advised Mr. Royster that the KCVA diagnosis of Bipolar Disorder II was the proper and working diagnosis for Mr. Royster.

32. From April 28, 2004 through November 17, 2014, KCVA's psychiatric physicians continued to prescribe medications to Mr. Royster for his Bipolar Disorder II diagnosis.

33. From April 28, 2004 through November 17, 2014, KCVA's physicians and staff of many various medical specialties continually made notations in Mr. Royster's voluminous KCVA medical chart that Mr. Royster has a diagnosis of Bipolar Disorder II.

34. From April 28, 2004 through November 17, 2014, KCVA physicians and nurses continually informed Mr. Royster that his Bipolar Disorder II condition was permanent.

35. From April 28, 2004 through November 17, 2014, the Defendant, through its KCVA employees, concealed from Mr. Royster pertinent facts including the fact that their diagnosis of Bipolar Disorder II was an incorrect diagnosis.

36. On February 20, 2013, Mr. Royster saw KCVA psychiatrist, Dr. Shreeja Kumar, who noted that Mr. Royster had lost his job as a pilot due to KCVA's diagnosis of Bipolar Disorder II.

37. On July 30, 2013, KCVA officially assigned Dr. Kumar to take over Mr. Royster's psychiatric evaluation and treatment.

38. From February 20, 2013 through November 17, 2014, Dr. Kumar undertook a thorough study of Mr. Royster's KCVA medical chart and engaged Mr. Royster in a numerous psychiatric examinations.

39. On or about November 18, 2014, Dr. Kumar authored a letter that states that Mr. Royster has been under the treatment of the Behavioral Health Clinic at KCVA since June of 2003 and had been seen by several KCVA psychiatric physicians since then.

40. In her November 18, 2014 letter, Dr. Kumar set forth her findings and impressions that included her opinion that: "From the review of the records, he [Mr. Royster] never had any manic symptoms and he never met the criteria for the diagnosis of bipolar disorder . . . Thus in my professional opinion, I do not believe that Mr. Royster has a diagnosis of bipolar disorder."

VI. CAUSES OF ACTION, NEGLIGENCE ALLEGATIONS:

41. From April 28, 2004 through November 17, 2014, and at all times relevant, in providing diagnosis, care and treatment for Mr. Royster, the Defendant, by and through its agents and employees had a duty to provide diagnosis, care and treatment to Mr. Royster as a

reasonably prudent and careful health care provider would have under similar circumstances consistent with the standard of care.

42. From April 28, 2004 through November 17, 2014, and at all times relevant, in providing diagnosis, care and treatment for Mr. Royster, the Defendant, by and through its agents and employees, breached the duty they owed to the Plaintiff, William Royster, by failing to provide diagnosis, care and treatment to Mr. Royster as a reasonably prudent and careful health care provider would have under similar circumstances consistent with the standard of care in one or more of the following respects:

- a. Failed to adopt and follow accepted standards of care, best practices and guidelines to assess and diagnose Bipolar Disorder II;
- b. Failed to properly assess, identify and categorize Mr. Royster's symptoms;
- c. Failed to employ the appropriate methods and modalities required for the proper diagnosis of Bipolar Disorder II prior to reaching the diagnosis of Bipolar Disorder II for Mr. Royster;
- d. Improperly diagnosed Mr. Royster with Bipolar Disorder II;
- e. Failed to periodically re-evaluate the diagnosis of Bipolar Disorder II ascribed to Mr. Royster;

43. As a proximate result of one or more of the foregoing negligent acts or omissions of Defendant, the Plaintiff, Mr. Royster, suffered permanent injuries; has experienced and will experience future pain and suffering, great grief, sorrow, and mental suffering; has incurred and in the future will incur obligations for substantial sums of money for medical expenses and has lost money that would have otherwise been earned by him and has an impaired earning capacity.

44. Pursuant to 28 U.S.C. § 1346(b) the law of the state where the act or omission occurred, Missouri, determines the liability of the United States. Accordingly, Plaintiff's counsel attaches an affidavit in compliance with Mo. Rev. Stat. § 538.225. (See Exhibit C).

WHEREFORE, the Plaintiff, William Royster, demands judgment against the Defendant, UNITED STATES OF AMERICA, in the sum of \$35,000,000.00, together with interest, attorneys' fees, the costs of this action and such further and additional relief at law or in equity that this Court may deem proper.

Dated this 2nd day of October, 2015.

Respectfully submitted,

DOLLAR, BURNS & BECKER, LC

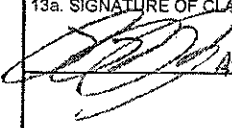
/s/Tim E. Dollar

Tim E. Dollar MO #33123
Thomas J. Hershewe MO #57642
1100 Main Street, Suite 2600
Kansas City, MO 64105
(816) 876-2600
(816) 221-8763 (fax)
timd@dollar-law.com
tom@dollar-law.com

Paul R. Borth, *Pro hac vice* pending:
BARNETT & BORTH, LLC
800 Waukegan Road, Suite 200
Glenview, Illinois 60025
(847) 724-5520
prb@barnettlegal.com

ATTORNEYS FOR PLAINTIFF
WILLIAM ROYSTER

AMENDED

CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit to Appropriate Federal Agency: St. Louis Office of Regional Counsel, Region 12 Building 25, Room 308 1 Jefferson Barracks Drive St. Louis, MO 63125			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. William E Royster, Paul Borth, Representative 3500 Gladstone 800 Waukegan Road Ste 200 Kansas City MO 64123 Glenview, IL 60025		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH 07/09/1962	5. MARITAL STATUS Divorced	6. DATE AND DAY OF ACCIDENT 4-1-04-11-18-14 N/A	
7. TIME (A.M. OR P.M.) N/A					
8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary). See Attached Addendum and Exhibits delivered on January 18, 2015.					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). N/A					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED. (See instructions on reverse side). N/A					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT. See Attached Addendum and Exhibits delivered on January 18, 2015.					
11. WITNESSES					
NAME See Attached Addendum and Exhibits		ADDRESS (Number, Street, City, State, and Zip Code)			
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE 0.00		12b. PERSONAL INJURY 0.00 \$35,000,000.00		12c. WRONGFUL DEATH N/A	
12d. TOTAL (Failure to specify may cause forfeiture of your rights). 0.00 \$35,000,000.00					
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).  AS REPRESENTATIVE FOR WILLIAM ROYSTER CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).			13b. PHONE NUMBER OF PERSON SIGNING FORM 847-724-5520		
14. DATE OF SIGNATURE 12/18/2015			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

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EXHIBIT

A

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STANDARD FORM 95 (REV. 2/2007)
PRESCRIBED BY DEPT. OF JUSTICE
28 CFR 14.2

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident insurance? ☐ Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. ☒ No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? ☐ Yes ☒ No 17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).
N/A

19. Do you carry public liability and property damage insurance? ☐ Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). ☒ No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. *Authority:* The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. *Principal Purpose:* The information requested is to be used in evaluating claims.
C. *Routine Use:* See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
D. *Effect of Failure to Respond:* Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

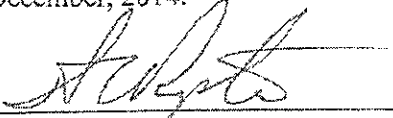
This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Tort Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

STANDARD FORM 95 REV. (2/2007) BACK

**POWER OF ATTORNEY
ATTORNEY AUTHORIZATION TO FILE FEDERAL TORT CLAIM**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, WILLIAM EDWARD ROYSTER, of the 3500 Gladstone Blvd. Kansas City, MO 64123, has made, constituted and appointed PAUL BORTH of the law firm of Barnett & Borth, LLC of 800 Waukegan Road, Suite 200 Glenview IL 60025, as my true and lawful attorney in my name, place and stead, to represent me in all aspects of my Federal Tort Claim against the Veterans Administration and to file a Standard Form 95 with the Department of Veterans Affairs or any other appropriate Federal agency. As such, I give and grant unto my attorney, full power and authority to do and perform every act necessary to be done in the premises as fully to all intents and purposes as I might or could do personally.

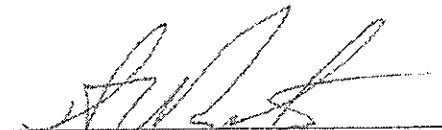
IN WITNESS THEREOF, I have hereunto set my hand and seal this 19th day of December, 2014.



William Edward Royster

APPROVED:

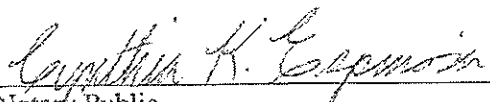
I, William Edward Royster, agree to this Power of Attorney.



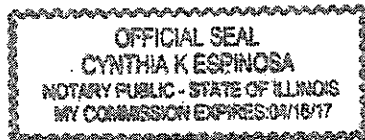
William Edward Royster

SUBSCRIBED AND SWORN TO before me this

19 day of December, 2014.



Notary Public





DEPARTMENT OF VETERANS AFFAIRS

OFFICE OF REGIONAL COUNSEL
1 JEFFERSON BARRACKS DRIVE
SAINT LOUIS, MISSOURI 63125
TELEPHONE: (314) 845-5050
FACSIMILE: (314) 845-5057

CERTIFIED MAIL

August 4, 2015

Paul Borth, Esq.
Barnett & Borth, LLC
800 Waukegan Road, Ste. 200
Glenview, IL 60025

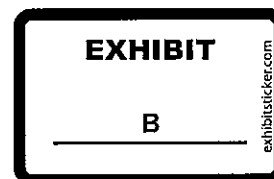
Subject: Administrative Tort Claim GCL-9991

Dear Mr. Borth:

This office has completed investigation of the above-referenced matter under the Federal Tort Claims Act (FTCA), and it is denied. The FTCA provides a legal remedy enabling an individual to recover damages under circumstances where the United States, if it were a private person, would be liable. Our review did not find any negligent or wrongful act or omission on the part of a Department of Veterans Affairs (VA) employee acting within the scope of his or her employment that resulted in harm regarding your allegation that VA providers at the VA Medical Center in Kansas City, Missouri were negligent in misdiagnosing your client, Mr. William Royster, with Bipolar Disorder.

Further action on this matter may be instituted in accordance with the FTCA, sections 1346(b) and 2671-2680, title 28, U.S.C., which provides that a tort claim that is administratively denied may be presented to a federal district court for judicial consideration. Such a suit must be initiated within six months of the date of mailing of this notice of final denial, as shown by the date of this letter (section 2401(b), title 28, U.S.C.). If such a suit is filed, the proper party defendant would be the United States, not VA. Alternatively, a request for reconsideration of the claim by this office may be filed by: (1) mail to Office of General Counsel (021B), 810 Vermont Avenue, N.W., Washington, DC 20420; (2) fax to 202-273-6385; or (3) e-mail to OGC.torts@mail.va.gov. VA must receive such a request within six months of the date of mailing of this notice of final denial as shown by the date of this letter. If a request for reconsideration is made, VA shall have six months from receipt of that request during which the option to file suit in an appropriate federal court under 28 U.S.C. 2675(a) is suspended.

Please note that FTCA claims are governed by a combination of federal and state laws. Some state laws may limit or bar a claim or law suit. VA legal staff handling FTCA claims work for



Page 2
Administrative Tort Claim GCL-9991

the federal government, and cannot provide advice regarding the impact of state laws or state filing requirements.

Sincerely yours,

A handwritten signature in black ink that reads "Laurette M. Hucker". The signature is written in a cursive style with a large initial "L" and a stylized "M".

Laurette M. Hucker
Acting Regional Counsel

STATE OF ILLINOIS

COUNTY OF COOK

)
)ss
)

**AFFIDAVIT FOR AN ACTION IN MEDICAL MALPRACTICE
PURSUANT TO Mo.Rev.Stat. § 538.225**

RE: William Royster v. United States of America, KCVA

I Paul R. Borth, on oath and under penalty of perjury hereby state as follows:

1) I am counsel for the Plaintiff, William Royster in the matter of William Royster v. United States.

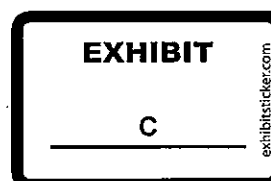
2) I have provided all pertinent medical records and damage documentation to the following legally qualified health care provider and have conferred with such provider concerning the facts and circumstances of Mr. Royster's claims.

Michael Jarvis, PhD, MD
Washington University School of Medicine
Professor and Vice Chairman for Clinical Affairs Director, Inpatient Psychiatry
Department of Psychiatry Forensic Service Campus Box 8134
Suite 15340
660 S. Euclid
St. Louis, MO. 63110

3) Dr. Jarvis' is licensed to practice medicine in all branches by the State of Missouri, is board certified in the area of psychiatry, and is actively engaged in the practice of psychiatry, substantially the same specialty, same school of medicine and profession as the KCVA physicians involved in the diagnosis, care and treatment of the Plaintiff, William Royster. Further details concerning Dr. Jarvis' qualifications are set forth in his curriculum vitae attached hereto as Exhibit 1.

4) I have obtained from Dr. Jarvis his written opinions that the defendant health care provider, the psychiatrists employed by KCVA, failed to use such care as a reasonably prudent and careful health care providers would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed by Mr. Royster in his Complaint.

1



Affiant Further Sayeth Naught,

If sworn as a witness, I can testify competently to the foregoing.

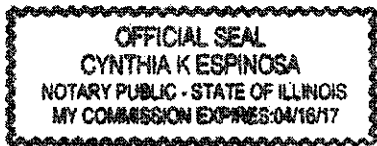
Signed: [Signature] Date: 9-18-15

Paul R. Borth, Attorney for Plaintiff, William Royster
BARNETT & BORTH, LLC
800 Waukegan Road, Suite 200
Glenview, Illinois 60025
(847) 724-5520
prb@barnettlegal.com

Signed and sworn to before me, a Notary Public, of Cook County, Illinois, by

CYNTHIA K. ESPINOSA, this 18 day of September, 2015

[Signature]
Notary Public



CURRICULUM VITAE
Michael R. Jarvis, Ph.D., M.D.

DATE: June 2015

DATE OF BIRTH: June 16, 1955

CITIZENSHIP: USA

ADDRESS/TELEPHONE
NUMBERS: Department of Psychiatry
Washington University School of Medicine
660 S. Euclid
Campus Box 8134
St. Louis, MO 63110
314-362-1816
314-362-7017 (Fax)

PRESENT POSITION: Vice Chairman of Clinical Affairs, Dept. of Psychiatry
Washington University School of Medicine
St. Louis, MO

Professor of Psychiatry
Washington University School of Medicine
St. Louis, Missouri

Medical Director of Inpatient Psychiatry
Barnes-Jewish Hospital
St. Louis, Missouri

EDUCATION:

1977	B.S., University of Minnesota, Minneapolis, Minnesota
1980	M.S., University of Illinois, Urbana, Illinois
1982	Ph.D., University of Illinois, Urbana, Illinois
1985	M.D., Washington University School of Medicine St. Louis, Missouri
1985 – 1989	Residency in Psychiatry Washington University School of Medicine Barnes Hospital, St. Louis, Missouri

EXHIBIT

1

exhibitstickers.com

Curriculum Vitae

Michael R. Jarvis, Ph.D., M.D.

ACADEMIC POSITIONS/ EMPLOYMENT:

2006	Professor of Psychiatry Department of Psychiatry Washington University School of Medicine St. Louis, MO.
1996 - 2006	Associate Professor of Psychiatry Department of Psychiatry Washington University School of Medicine St. Louis, Missouri
1990 – 1996	Assistant Professor of Psychiatry Department of Psychiatry Washington University School of Medicine St. Louis, Missouri
1989 - 1990	Instructor Department of Psychiatry Washington University School of Medicine St. Louis, Missouri
1989 – 1990	Chief Resident Department of Psychiatry Washington University School of Medicine St. Louis, Missouri
1985 – 1989	Assistant in Psychiatry Department of Psychiatry Washington University School of Medicine St. Louis, Missouri
1983	Summer Research Fellowship Laboratory of Carl F. Pierce, M.D. Washington University School of Medicine St. Louis, Missouri
1978 – 1982	Research Assistant Laboratory of Edward W. Voss, Ph.D. University of Illinois Urbana, Illinois
1976 – 1977	Research Assistant Laboratory of Dennis W. Watson, Ph.D. University of Illinois Urbana, Illinois

Curriculum Vitae

Michael R. Jarvis, Ph.D., M.D.

UNIVERSITY & HOSPITAL APPOINTMENTS
AND COMMITTEES

2012	Heath Information Management Committee
2010 -	Meaningful Use Work Team
2010 - 2011	Safety & Quality Council of MEC
2010	Psychiatry & Medicine Ad Hoc Team Meeting
2008 -	Pharmacy and Therapeutics Committee of Barnes Jewish Hospital
2006 -	Vice Chairman of Clinical Affairs, Dept of Psychiatry, Washington University School of Medicine
2006 -	Executive Committee, Dept of Psychiatry, Washington University School of Medicine
2006 -	Director of Electroconvulsive Therapy
2003 - 2008	Medical Staff Performance Improvement Oversight Committee
2002 - 2007	Physician/HIM Process Improvement Team
2002 - 2013	Chair, Health Advisory Committee, Graduate Medical Education Consortium
2001 - 2007	BJ Health Information Management Committee
1993 -	Medical Director of Inpatient Psychiatry, Barnes-Jewish Hospital
1992 -	Psychiatry Residency Education Committee
2002 - 2004	Consultant, Washington University
	Care Coordination Demonstration Project
2000 - 2002	Care Partners Physician Advisory Committee, Behavioral Health Subgroup
2000 - 2001	BJC Medical Records Committee
1996 - 1998	WUMS Medicare Education Rules Compliance Program Committee
1996 - 2000	Physician Advisory Panel for Barnes-Jewish Hospital Reengineering
1995 - 1998	BJC Medical Cost Management Working Team
1995 - 1997	Barnes-Jewish Electronic Medical Record Development Committee
1995 - 1996	Co-Chair, Barnes-Jewish Utilization Management Committee
1994 - 1996	Patient Care Quality Improvement Committee
1992 - 1995	Chairman, Barnes Hospital Utilization Management Committee
1992 - 1994	Barnes Hospital Quality Improvement Committee and Steering Committee
1992 - 1994	Standing Committee on Hospital Safety
1990 - 1992	Assistant Director of Inpatient Psychiatry, Barnes Hospital
1990 - 1995	Department of Psychiatry Quality Improvement and Utilization Review Committee
1990 - 1995	Emergency Department Committee, Barnes Hospital

MEDICAL LICENSURE AND BOARD CERTIFICATION:

1991	Diplomate: American Board of Psychiatry & Neurology
1988	Missouri Medical License (R8H00)
1986	Diplomate: National Board of Medical Examiners

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HONORS AND AWARDS:

WUMS 2014 Distinguished Educator Award
For House Staff Teaching
Resident Mentoring Award
Psychiatry Resident Class of 2014
Excellence in Teaching Award
Psychiatry Resident Class of 2011
St. Louis Magazine Best Doctor, 2006 - 2014
Guide to America's Top Psychiatrists, 2007
Clinical Teacher of the Year Award, WUMS Class of 2007
Fellow of the American Psychiatric Association, 2003
Barnes-Jewish Hospital Quality Leadership Award, 1995
Osler Institute Teaching Award, 1995
American Psychiatric Association
Burroughs Wellcome Fellowship, 1987 - 1989
Sidney I. Schwab Prize in Psychiatry, 1985
Washington University Grant, 1982 - 1985
R. Emerson Memorial Grant for Excellence in Undergraduate
Teaching Within the School of Life Sciences
University of Illinois - 1981, 1982
United States Public Health Service Trainingship, 1978
University of Illinois Graduate Fellowship, 1977 - 1978
Graduated Summa Cum Laude - University of Minnesota, 1977
Sigma Xi Outstanding Undergraduate Research Award, 1977
Minnesota State Scholarship, 1973 - 1977
Tozer Undergraduate Fellowship, 1973 - 1977

PROFESSIONAL SOCIETIES
AND ORGANIZATIONS:

1987 -	American Psychiatric Association
1987 -	Eastern Missouri Psychiatric Society
1995 - 1997	Secretary/Treasurer Eastern Missouri Psychiatric Society
1994 - 1998	American College of Physician Executives
1993 - 2003	American Academy of Clinical Psychiatrists
1991 - 1994	Association of Directors of Medical Student Education in Psychiatry
1990 - 2000	American Association for Geriatric Psychiatry

INVITED PROFESSORSHIPS
AND LECTURESHIPS:

Rational Suicide
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2011

Suicide of Psychiatric Inpatients
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2009

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Fundamentals of Psychotherapy: Series Coursemaster
Part 2: Implicit Psychotherapy
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2009
Disclosure of Adverse Events
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2007

Alternative Therapies in Treatment of Mental Illness
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2006

Psychiatric Illness and Violence
"Violence and Mental Illness" United States Attorney's Office --
Issues in Psychiatric Defenses, 2006

Basic Psychopharmacology
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2005

ECT in a Litigious Society: Medicolegal Principles
Procedures for Psychiatric Disorders:
Improving the Present, Looking to the Future
Washington University School of Medicine, 2005

Psychiatry and Law: Deposition
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2004

Diagnosis and Treatment of Schizophrenia
8th Annual Defense Counsel Seminar
BJC & Washington University School of Medicine, 2002

Malpractice: Facts, Opinions, Beliefs
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2002

Electroconvulsive Therapy: Indications and Contraindications:
A Clinical Update
Washington University School of Medicine, 2002

Pharmacologic Treatment of Behavioral Disorders in Adults
With Mental Retardation
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 2000

Opportunities for Improving Patient Care through Social Work
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 1999

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... Oh, By the Way, I'm Pregnant, Use of Psychiatric Medication
During Pregnancy
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 1998

Current Psychiatry Quality Improvement Efforts at
Barnes-Jewish Hospital
Missouri Patient Care Review Foundation
Mental Health Topic Development Group, 1996

Predictors of Response & Rapid Cycling in Bipolar Patients,
Eastern Missouri Psychiatric Society, 1995

Physician Role in Elder Abuse
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 1995

Treatment of Depression by Primary Care Physician
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 1993
Medical Student Question Bank:
Annual Conference of Association of Directors of
Medical Student Education in Psychiatry, 1992

Indicators of Psychiatric Hospitalization
Wednesday Research Seminar
Department of Psychiatry
Washington University School of Medicine, 1992

Keeping the Demons at Bay: Maintenance ECT for
Unipolar Depression
Grand Rounds, Department of Psychiatry
Washington University School of Medicine, 1992

CONSULTING RELATIONSHIPS
AND BOARD MEMBERSHIPS

2008	Neuronetics, Philadelphia, Pennsylvania
2007 - 2011	Corizan (formerly: Correctional Medical Services, Inc.) Medical Advisory Board St. Louis, Missouri
1992	Osler Institute, Terre Haute, Indiana

RESEARCH SUPPORT:

Governmental:

Systems of Care for New Moms: Integrating Depression
Treatment (NUMOMS)
National Institute of Mental Health
Fund #R34MH083085-01, 8/08 – 07/11

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NIMH Optimization of Electroconvulsive Therapy
Fund #51679, 2/5/01 – 1/31/06

Treatment of Depression in Parkinson's Disease
With Repetitive Transcranial Magnetic Stimulation
(Unfunded, application to FDA for IDE #), 2000

Non-Governmental:

Nitrous Oxide and depression
IRB ID #201204023

Completed Suicide Occurring on the Inpatient Unit
HRPO #09-1414 2009

rTMS Study (03-1111) Fund 942107
A Randomized, Parallel-Group, Sham-Controlled,
Multicenter Study to Evaluate the Efficacy and Safety of the
Neuronetics Model 2100 CRS 2004 - 2006

Study of Olanzapine plus Fluoxetine in Combination for
Treatment-Resistant Depression, Without Psychotic Features
Lilly (Protocol H6P-MC-HDAO) 2002

6-Week, Double-Blind, Randomized Multicenter, Flexible-Dose,
Placebo-Controlled Study of Pagoclone in Patients with
Generalized Anxiety Disorder
Parke-Davis 2000

Placebo-Controlled Olanzapine Monotherapy in the Treatment
of Bipolar I Depression
Lilly 2000

Open-Label Safety Study of Pregabalin (CI-1008) in Patients
with Anxiety Disorders
Pfizer (Fund #940869) 1999

A Placebo-Controlled Study of Pregabalin and Paroxetine in
Patients with Panic Disorder
Parke-Davis 1999

A Multicenter, Randomized, Double-Blind, Placebo-Controlled
Comparison of Paroxetine and Fluoxetine in the Treatment of
Major Depressive Disorder, Project Director
SmithKline Beecham Pharmaceuticals 1991

CLINICAL TITLES AND
RESPONSIBILITIES:

2006 -

Vice Chairman of Clinical Affairs, Dept of Psychiatry
Washington University School of Medicine
St. Louis, Missouri

Curriculum Vitae

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- | | |
|-------------|--|
| 2006 - | Medical Director of Electroconvulsive Therapy Service
Barnes-Jewish Hospital
St. Louis, Missouri |
| 1993 - | Medical Director of Inpatient Psychiatry
Barnes-Jewish Hospital
St. Louis, Missouri |
| 1990 - | Attending on Resident Inpatient Service
Barnes Hospital
St. Louis, Missouri |
| 1990 – 1993 | Assistant Director of Inpatient Psychiatry
Barnes-Jewish Hospital
St. Louis, Missouri |
| 1989 – 1990 | Chief Resident
Department of Psychiatry
Washington University School of Medicine |

TEACHING TITLES AND
RESPONSIBILITIES:

- | | |
|-------------|---|
| 1990 - | Attending Physician on Resident Inpatient Service
Barnes-Jewish Hospital |
| 1990 - | Lecturer
Basic Psychopharmacology for Psychiatry Residents
Washington University School of Medicine |
| 1990 - | Attending Physician
Third Year Medical Student Psychiatry Rotation
Washington University School of Medicine |
| 1991 – 1997 | Coursemaster
Introduction to Clinical Psychiatry
Second Year
Washington University School of Medicine |
| 1991 - 1993 | Lecturer in Advanced Psychopharmacology
Washington University School of Medicine |

BIBLIOGRAPHY:

PEER REVIEWED PUBLICATIONS:

1. Jarvis MR, Voss EW Jr.: Ligand binding and physicochemical characteristics of an IgMmouse plasmacytoma ABCP-22. Mol. Immunol. 1981; 18:261-175
2. Jarvis MR, Voss EW Jr.: Speculation: consequences of avidity in lymphocyte receptor-multivalent antigen binding in affinity maturation. Mol. Immunol. 1982; 19:525-533

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Michael R. Jarvis, Ph.D., M.D.

3. Jarvis MR, Voss, EW Jr.: Determination of dissociation constants and ligand specificity of detergent solubilized surface membrane immunoglobulin A from MOPC-315. *Mol. Immunol.* 1982; 20:124-136
4. Jarvis MR, Wasserman AL, Todd RD: Case study: acute psychosis in a patient with Epstein-Barr virus infection. *J. Am. Acad. Child Adolesc. Psychiatry* 1990; 29:468-469
5. Figiel GS, Hasten MA, Zorumski CF, Krishnan KRR, Doraiswamy PM, Jarvis MR, Smith DS: ECT induced delirium in depressed patients with Parkinson's disease. *J. Neuropsychiatr. Clin. Neurosci.* 1991; 3:405-411
6. Mattingly GW, Figiel GS, Jarvis MR, Zorumski, CF: Prospective uses of ECT in the presence of intracranial tumors. *J. Neuropsychiatr.* 1991; 3:459-463
7. Jarvis MR, Figiel GS, Suri RA: Case report: pulmonary embolism and electroconvulsive therapy. *Ann. Clin. Psychiatry* 1991; 3:329-331
8. Jarvis MR: Clinical pharmacokinetics of tricyclic antidepressant overdose. *Psychopharmacology. Bull.* 1991; 27:541-550
9. Jarvis MR, Todd RD, Hickok JM, Ackerman KE, Sherman WR: Analysis of *Myo*-Inositol Monophosphatase from Transformed Human Lymphocytes. *Lithium* 1992; 3:49-54
10. Figiel GS, Zorumski CF, Doraiswamy PM, Mattingly GW, Jarvis MR: Simultaneous major depression and panic disorder treatment with electroconvulsive therapy. *J. Clin. Psychiatry* 1992; 53:12-15
11. Figiel GS, Botteron K, Zorumski CF, Jarvis MR, Doraiswamy PM, Krishnan KRR: The treatment of late onset psychosis with electroconvulsive therapy. *Internat. J. Geriatric Psychiatry* 1992; 7:183-189
12. Martin M, Figiel GS, Mattingly GW, Zorumski CF, Jarvis MR: ECT-induced interictal delirium in patients with history of a CVA. *J. Geriatric Psychiatry and Neurology* 1992; 5:149-155
13. Jarvis MR, Smith J, Figiel GS: Case report: Cheyne-Stokes respiration and electroconvulsive therapy. *Ann. Clin. Psychiatry* 1992; 4:181-183
14. Jarvis MR, Goewert A, Zorumski CF: Novel antidepressants and maintenance electroconvulsive therapy. *Ann. Clin. Psychiatry* 1992; 4:275-284
15. Figiel GS, DeLeo B, Zorumski CF, Baker K, Goewert A, Jarvis MR, Smith DS, Mattingly G, Ruwitch: Combined use of labetalol and nifedipine in controlling the cardiovascular response from ECT. *J. Geriatric Psychiatry and Neurology* 1993; 6:20-24
16. Jarvis MR, Zorumski CF, Goewert A, Rasmussen KG: Maintenance electroconvulsive therapy and seizure duration. *Convulsive Therapy* 1993; 9:8-13
17. Whiteford HA, Jarvis MR, Stedman TJ, Pond S, Csernansky JG: Mianserin-induced up regulation of platelet serotonin receptors on normal human platelets in vivo. *Life Science* 1993; 53:371-376

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Michael R. Jarvis, Ph.D., M.D.

18. Rasmussen KG, Zorumski CF, Jarvis MR: Electroconvulsive therapy in patients with cerebral palsy. *Convulsive Therapy* 1993; 9:205-208
19. Rasmussen KG, Zorumski CF, Jarvis MR: Possible impact of stimulus duration on seizure threshold in ECT. *Convulsive Therapy* 1994; 10:177-180
20. Rasmussen KG, Jarvis MR, Zorumski CF: Ketamine anesthesia in electroconvulsive therapy. *Convulsive Therapy* 1996; 12:217-223
21. Rasmussen KG, Jarvis MR, Zorumski CF: Naloxone and ECT seizure length. *Convulsive Therapy* 1997; 13:44-46
22. Rasmussen KG, Jarvis MR, Zorumski CF, Ruwitch J, Best AM: Low dose atropine in electroconvulsive therapy. *J. ECT* 1999; 15:213-21
23. Isenberg K, Kormos TC, Downs D, Pierce K, Svrakic D, Garcia K, Jarvis M, North C: Low Frequency rTMS Stimulation of the Right Frontal Cortex is as Effective as High Frequency rTMS Stimulation of the Left Frontal Cortex for Antidepressant-Free, Treatment-Resistant, Depressed Patients. *Ann. Clin. Psychiatry*, 2005; 17(3): 153- 159
24. Zorumski CF, de Erausquin G, Dokucu M, Svrakic D, Garcia K, Jarvis M: Brain Stimulation & the Treatment of Refractory Psychiatric Disorders. *Missouri Medicine*, 2008; 105(1): 57-61

INVITED PUBLICATIONS:

1. Jarvis MR: Use of immobilized ligand in the study of solubilized surface membrane immunoglobulin, in The Fluorescein Hapten as a Molecular Probe in Immunology 1984 (edited by Voss EW Jr.); CRC Press, Inc., Boca Raton, Florida
2. Jarvis MR, Voss EW Jr.: Fluorescein in kinetic studies of affinity maturation, in The Fluorescein Hapten as a Molecular Probe in Immunology 1984; (edited by Voss EW Jr.) CRC Press, Inc., Boca Raton, Florida
3. Jarvis, MR: An evolutionary perspective of utilization review, *St. Louis Metropolitan Medicine* 1994; 16:20-21

LETTERS:

1. Figiel GS, Jarvis MR: Electroconvulsive therapy in a depressed patient receiving Bupropion.. *J. Clin. Pharmacol.* 1990; 10:376
2. Rasmussen KG, Zorumski CF, Jarvis MR: Cardiac safety of ECT. *Anesthesia and Analgesia* 1993; 77:1307
3. Lohr WD, Figiel GS, Hudziak JJ, Zorumski CF, Jarvis MR: Maintenance electroconvulsive therapy in schizophrenia. *J. Clin. Psychiatry* 1994; 55:217-218
4. Rasmussen KG, Zorumski CF, Jarvis MR: Asystole in ECT. *J. of Clinical Psychiatry* 1994; 55:313-314

Curriculum Vitae
Michael R. Jarvis, Ph.D., M.D.

PATENT:

Jarvis MR, Fulton DS, The National Aeronautics and Space Administration: Spillage detector for liquid chromatography systems. United States Patent: 4,591,838 May 27, 1986.

Revised: 5/28/2014